

FILED
U.S. DISTRICT COURT
AUGUSTA, GA.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

2010 SEP 22 PM 3:22

AUGUSTA DIVISION

CLERK L. J. J. J.
SO. DIST. OF GA.

WILLIE WESLEY BROWN,

Plaintiff,

v.

CV 109-144

ELAINE JOHNSON, the Clerk of the
Superior Court of Richmond County,

Defendant.

ORDER

Let a copy of this Report and Recommendation be served upon counsel for the parties. Any party who objects to this Report and Recommendation or anything in it must file, not later than October 12, 2010, specific objections with the Clerk of this Court. The Clerk will submit this Report and Recommendation together with any objections to the Honorable J. Randal Hall, United States District Judge, on October 13, 2010. Failure to file specific objections will bar any later challenge or review of the factual findings of the Magistrate Judge. See 28 U.S.C. § 636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 106 S. Ct. 466, 88 L.Ed.2d 435 (1985); Nettles v. Wainwright, 677 F.2d 404 (5th Cir. 1982) (*en banc*). In order to challenge the findings and recommendations of the Magistrate Judge, a party must, by October 13, 2010, file with the Clerk of the Court written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection. A copy of the objections must be

served upon all other parties to the action.

Requests for extension of time to file objections to this Report and Recommendation shall be directed to the Honorable W. Leon Barfield, United States Magistrate Judge.

Upon receipt of objections meeting the specificity requirement set out above, a United States District Judge shall make a *de novo* determination of those portions of the report, proposed findings, or recommendation to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the Magistrate Judge. The Judge, however, need conduct a hearing only in his discretion or if required by law, and may consider the record developed before the Magistrate Judge, making his own determination on the basis of that record. The Judge may also receive further evidence, recall witnesses or recommit the matter to the Magistrate Judge with instructions.

Objections not meeting the specificity requirement set out above will not be considered by a United States District Judge.

A party may not appeal a Magistrate Judge's recommendation directly to the United States Court of Appeals for the Eleventh Circuit. Appeals may be made only from a final judgment entered by or at the discretion of a District Judge.

The Clerk is **DIRECTED** to serve a copy of this Report and Recommendation on counsel for all parties.

SO ORDERED this 23rd day of September, 2010, at Augusta, Georgia.



W. LEON BARFIELD
UNITED STATES MAGISTRATE JUDGE